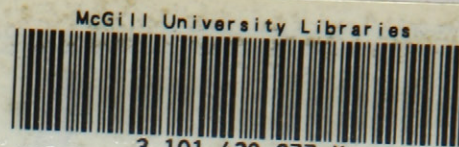
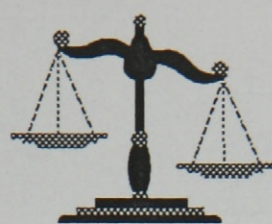


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le 4 décembre, 1995

Friends are Key to Ending Premarital Violence

Sarah Lugtig LLB/MSW III

Last year while writing a paper about violence in dating relationships, I found myself scared and somewhat surprised by the research findings. They seemed to contain information that was pertinent to my own life and that of my friends, information of which I had until then been ignorant. For this reason, in thinking about December 6th and the broader issue of violence against women, I thought I would highlight key points in the literature, ones which certainly got me thinking about my own attitudes and behaviour in the face of the issue of premarital violence.

Much of the writing about violence against women seems to give the impression that it only happens to older or married people. Premarital violence, that is, abuse of a girlfriend by her boyfriend or an assault during a casual date, often seems to be nonexistent. However, while recognizing the lack of comprehensive information about abuse in these relationships, recent studies have shown it to be all too prevalent and severe.

I am unfortunately directing the information to us as students rather than as future lawyers. Why do I say "unfortunately"? The literature reports that between a quarter and a third of young women experience physical and/or sexual violence in their dating relationships. At the same time, very few or none of the victims report the assaults

to the police. Thus, while as a lawyer you are simply unlikely ever to hear about premarital violence, as a law *student* you are only too likely to experience it or have friends who do.

So what did I learn about the issue? Well, as a starting point, Canadian studies tend to label the issue as "girlfriend abuse" or "premarital abuse of women" to underline that women are the primary victims of dating violence. Girlfriend abuse is generally understood as physical, sexual, or psychological assault (verbal abuse and threats) on a woman by a boyfriend, lover or casual date. Although young men too experience violence at the hands of their female partners, such acts are not nearly as prevalent nor as lethal as those that women experience. I should add that very little is reported about abuse in lesbian and gay dating relationships.

The research also showed that there are many aspects of the problem which make it particularly difficult to address. These surprised me. I suppose I thought young women were somehow less vulnerable and young men more enlightened than those of the previous generation. Not so. First of all, as already stated, very few, if any, women reported the violent act to the police. Only a few more talked about the incident with authority figures and parents (approximately 6% of victims in most studies). It was a young woman's friends who were the most likely to find out and

then only if they asked. In the majority of cases the woman had told no one! When asked why they did not tell, most women said they feared disclosure by those they told and that their family and friends would seek retribution against the young men, something they did not want to see happen. One study also found that the young women did not realize that what they had experienced was abusive and/or against the law.

Second, after the first abusive incident, most women stayed in the relationship where unfortunately the violence escalated. This was true even in the cases of sexual assaults which tend to occur early in the relationship. In many instances it was the woman who reinitiated the contact. These findings did

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Announcements / Annonces

Notes from the Office of Undergraduate Studies

If you have not already done so, pick up your **first term examination number** from OUS. **Visiting, Exchange and Special students** also need examination numbers and are advised to get them from our office before the end of classes. Students without examination numbers are not allowed into the examination room.

First year students in Prof. de Mestral's section of **CONSTITUTIONAL LAW** are writing their examination in **Burnside Hall, Room 45**, which is in the basement. If you do not know where Burnside Hall is, pick up a map from the OUS so you may familiarize yourself with its location before Monday 18th.

Preliminary lists of students who expect to graduate in June 1996 have been posted on the OUS board in the corridor behind the office. All students in their third year and in their fourth year should consult these lists for errors and omissions. It is especially important that third year students check for their names, as some whose name may appear will be in the National Programme and will not be graduating in June 1996. All problems should be brought to the attention of Christine Gervais.

Professor Gendreau confirms that papers for her **Intellectual & Industrial Property** course are due **Thursday, 14th December 1995**. They should be handed into the OUS.

The staff of the OUS wish all students the very best of luck with Christmas exams.

Winter Term Used Books Sale

Even though most of you cannot possibly entertain the thought of parting with your books right now, you will probably change your mind soon after your exams. We would like you to know that the Environmental Law Association will again be holding a **Used Books Sale** during the first few weeks next term. If you would like to sell your books to **replenish your bank accounts** after the holidays, please bring your books to the Used Books Sale. Past sales have shown books brought in **early in the term** have a very high turnover rate! Watch out for notices for opening hours when you return. Have a wonderful holiday and good luck on your exams.

****Your Time is Coming****
****One Month and Counting!****

Skit Night 1996 has a theme: **LEGALITY BITES**. Now it needs a band! We will be auditioning the main instrumentalists of the Skit Night Band (electric and acoustic guitars, bass guitar, keyboard, drums). Auditions are also open to other instruments depending upon what you play, for example, harmonica, or even the saw... well,

maybe not the saw. The bottom line is that it will be mainly a pop/rock band, so use your judgment.

Musicians: this is warning to get the ball rolling over the holidays! Auditions for the instrumental players will take place during **THE FIRST AND SECOND WEEKS OF CLASSES IN JANUARY 1996**. Sign-up sheets will be posted in the Pit the first day back, so be on the look out and be prepared to play. Vocalist auditions will be held during subsequent weeks.

You will be asked to play two songs of your choice (pop/rock/folk genre): one of a relatively fast tempo, and one which is relatively slower -- to give us an idea of how you sound. The same will apply to singers.

Don't be nervous, we're friendly and it is for charity! Just be ready for January; we need your talent! If you have any questions, please contact Jeanette Lee, Skit Night Music Coordinator, via e-mail (lee_w). Break a leg!

**THE LSA WOULD LIKE
TO WISH ALL
STUDENTS GOOD
LUCK ON EXAMS AND
A HAPPY NEW YEAR!**

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Editorial

The Year of the Quid

Emmanuel Castiel, Editor-in-Chief

At this time of year, all law students (keeners excluded) are desperately trying to catch up on their readings. Here's some advice: it's hopeless. Concentrate on finding a good summary and use the saved time for some needed sleep. Or even better, you can write articles for the Quid (I know, I never give up!). But it's too late for this semester. This week's issue, number 13, is the last one of the semester and of 1995. So let me take this opportunity to look back on these four months. I'll start with the lows and finish off on a high note.

Lows:

The lows can be summed up by this statement: Not Enough Articles! (I refuse to give it a rest!). I know this may sound sappy but when you've given your time and energy to prepare what you think is a worthwhile newspaper, there is nothing more satisfying than to produce a diversified, long, quality issue. Yet, of the 13 issues printed this semester, three are 12 pages long, two are 10 pages long and eight have 8 pages. I would have liked to have issues of 16 and 20 pages but there just weren't enough submissions. Some of the blame should fall on the professors. Apart from the article written by the Deans on the school curriculum and the article introducing new Assistant Dean Geller to the faculty, only one professor has written an article: I am referring to Professor Healy's insightful commentary on the passage of Bill C-68 (see p. 8). I know for a fact that most professors read the Quid and that a few have thought about submitting articles. It seems that even law professors are not sure if they want to put their opinions on paper for all the students to read. If they feel that way, then imagine how students feel. Thankfully, enough students have felt they needed to express their opinions. When I write my editorials, I get worried I might not do a good job. The way I see it, if it's not great I can always make up for it in my next editorial (but I'm doing a lousy job in this one; so let's move on to the highs).

Highs:

Firstly: the fact that the Quid has become the

main stage for in-faculty debates. There was that heated discussion over the school curriculum initiated by Kiri. There was also a short-lived debate over editorials and their contents. But the main debate has been over the Quebec referendum. It started with an editorial in issue 2 but really took off by issue 8. While it sometimes hit below the belt, the debate was generally healthy and necessary. Some readers told me that it dragged on for too long. I think some things needed to be said and even repeated. There is no article dealing with the referendum in this issue, so I guess the debate is over.

Another high: the diversity. Articles submitted ranged from politics to sports, movies to O.J., make-ups to music, women's issues to coffee house. What's great also is that every class was represented and many first and second year students contributed. All this helped to improve the quality of the newspaper.

Lastly: better management of the Quid Novi. While the Quid team has been churning out an issue a week, it has also lowered costs. Advertisements are up and wasted paper is down. The readers have come to expect a Quid Novi every Monday morning and writers now have until Wednesday to submit an article (the goal was to allow students to be able to respond to articles immediately and it worked). Overall, the Quid team has done a great job and I extend many "Thank You!"s and "Great Job!"s to Kiri, Angela, Anna and Barbara.

Next semester:

Next semester you can expect more of the same plus a couple of new features. Around Valentine's Day appears the annual *Love Quid*. We also have another project in mind: an issue dedicated entirely to applications and interviews. We hope to have articles on the whole process and some information on different firms. But since it's an ambitious project, we could use some help. So if anybody is in town during the winter break and has some time to give, let me know.

Hopefully, the first issue of 1996 will come out on January 15th. Until then, good luck on your exams, happy holidays and have a great new year!

TOP TEN

Steven Leitman BCL II

Top Ten Weird Laws I Came Across While Studying For Exams:

10. Common Law Property in general.
9. The Bonhomme is a legal person (Pornography Act, S.Q. 1992, c.37, s.6.2(3)).
8. Fruit that falls from a tree onto neighboring land belongs to the owner of the tree (a.984 C.C.Q.)
7. Fruitcakes are immovable (a.417 C.C.L.C.) - at least it feels that way.
6. 397 Criminal Code: Everyone who wilfully gives a rabbit Trix cereal is guilty of an indictable offence and liable to imprisonment for a term not exceeding 6 years.
5. Law. What is law? (Foundations relapses still get me)
4. You can sue someone if they break your helicopter with their head! (Trans-Quebec Helicopters v. Heirs of Lee, [1980] C.A. 596)
3. A contract selling your soul to the devil is relatively null. (Faust v. Beelzebub (1921), 66 S.C.R. 666)
2. Law students not buying underwear down the hall from the cafeteria are subject to being "pantsed" at any time (Underwear Act, R.S.C. 1985, c.U-9, s.69).
1. The availability of extra-fatty smoked meat at Schwartz's is demonstrably justified in a free and democratic society. (Canadian Charter of Rights and Freedoms, Part I of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (U.K.), 1982, c.11, s.1) yes, that is the actual cite to s.1 of the Charter, as in the cite guide.

JODYTALK

This column is dedicated to Hilary, my muse, lover and best friend. I know you will always be there when I stumble. Thank you for reminding me to always be true to myself.

It has recently come to my attention both via the comments of several people and via the announcement in last week's Quid that I have been delinquent in writing new columns this semester. When I began this diatribe two and a half years ago I wrote because I was pissed off and felt the need to vent my spleen. Much to my surprise people read what I had written and some of you even agreed with it. Lately, I find that I have less to write about. Chalk it up to being in newlywed bliss, or to the fact that I can hear the Pacific calling my name. I have also come to the conclusion that I have covered most of The Faculty's short comings at least once during the past two and a half years. As a result, Jodytalk will no longer be a weekly affair. I will write when the spirit moves me, which is how I started this whole thing, and how I feel that it will best be ended. *Res Ipsa Loquitur.*

"Do you have the time to listen to me whine about **nothing** and **everything** all at once." -- Green Day

As I watch the snow falling outside I am reminded that this is the penultimate examination period for me at the Faculty. I'm trying desperately to figure out what the hell is going on in my courses this semester in the hopes of passing, comforted only by the mantra I have taken to repeating incessantly, "D is for Diploma, and that's good enough for me." It really need not be this way you know. I take some responsibility for my predicament, as it would be intellectually dishonest if I took no responsibility, but I don't take it all, not by a long shot. Even if I had read everything before every

class, summarized, categorized and prioritized I still wouldn't be ready for exams. The reason is that there is absolutely no time for review before exams.

How could there be when classes end on Wednesday and exams start on Thursday. Some professors realize this and have generously canceled their class during the last week of the semester. Others feel obliged to race right to the end, cramming as much information in our silly little heads as possible. Do they do this out of some belief that they must do so to teach us? Cally Jordan assigned the last third of the reading materials in the last two weeks of class and she had no illusion that she was teaching us anything. It would make a lot more sense if the Faculty gave us those three days off so that we could actually study for our first couple of finals.

I don't know who it is, but someone is probably saying that the professors need that last class or two to finish the material in the course. That may be true except that you can never finish all the material in a course. The nature of law is that it is fluid and changes with each decision that is rendered. At best a legal education can teach you the leading cases on a subject as well as a methodology for attacking a problem. (This is also greatly aided by a course outline.) I have yet to take a course where a professor couldn't have taught all the same material, yet done it in a lecture or two less. This logic should also apply to the insidious creature known as the class makeup.

Another pet peeve of mine are these incessant, last minute, make up classes. Makeups are a pain in the ass for everyone involved, but especially for students. The reason The Faculty has a

class schedule in the first place is so that everyone can organize their lives in such a way as to allow them to attend class. As soon as you have to make up a class you are guaranteed that people will be unable to attend.

The problem is compounded by the fact that you never have to make up just one class. Any time the school closes you are guaranteed of missing at least two classes. Tack on another two because the Prof. is at a conference or skiing in Europe... If you miss just two sessions of any one class (generally the average over the course of a semester) times five courses per semester, that results in 10 class sessions requiring a make up. That only averages out to about one a week over the entire semester, but things are never that organized. What usually ends up happening is that a professors will schedule a make up during the only open times in November (either Coffee House or Friday from 3 - 6PM). I realize that when several classes during the semester are missed (due to holidays, referenda, conferences, etc...) it may be necessary to make some of them up. On the other hand, I refuse to believe that every single class is so important that the material couldn't be made up by spreading it out over the course of the semester.

Here's another novel idea. When a professor has to be absent because they're attending a conference, giving a paper or just plain "out sick" some other professor or grad student could give the lecture. This way, graduate students get valuable teaching experience and we wouldn't have to make up the class. Professors could take a lesson from Me. Heenan and Me. Woods. Both of them were unable to make one of their lectures this semester. Normally, this would have resulted in all of us being required to find

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an alternate time to meet. However, the practitioners got other members of their firms to fill in for them and we were spared the inconvenience of having to make up the class.

My ultimate peeve of my penultimate semester centers around the beast known as The McGill Faculty of Law Term Essay. Last Saturday I spent the day at the courthouse participating in a mock trial (mostly the judge mocked my trial technique, but I digress). One of the most valuable skills a lawyer can possess he said, was brevity. The old axiom "less is more" is nowhere more ignored than in the Supreme Court and The Faculty. One need only to look to the latest Supreme Court judgment to realize that word processors and court clerks do have their drawbacks. Likewise, The Faculty hasn't caught on to the fact that an essay doesn't necessarily have to be 20 pages per credit to be a well written paper. None the less, they seem to require it of us. Does that result in a superior product. No it ends up in more dead trees, long quotes from the text of decisions and lots of useless verbiage. Take my advice do away with these silly page requirements. We should be graded on content, not form. If you don't believe me, just ask a client if they would rather read 50 pages of crap or have you take half the time and give them a 20 page memo.

Jody berkes is a fourth year law student who would like to thank Cally Jordan for reminding him that the Dark Lord comes in many forms. He battles evil as his alter ego of Thursday, mid week adventurer. He would also like to wish everyone at the Faculty of Law a happy New Year and assures them he will return next semester well rested and vitriolic as ever!

BYERS CASGRAIN

SOCIÉTÉ EN NOM COLLECTIF

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Literati At Law

Shirley Senoff, LLB II

Great Gift Ideas for Discriminating Readers - Classics Like you've Never Read Them Before!!

- Charles Dickens, *Reasonable Expectations*
- *Lexis, Nexis, Soquij & Quicklaw*, a trilogy in four parts by Henry Miller
- Robert M. Pirsig, *Zen and the Art of Motorcycle Remedies*
- D. H. Lawrence, *Lady Chatterley's Undivided Co-Owner*
- Douglas Adams, *A Cost-Benefit Analysis of Hitchhiking*
- Simone de Baudouin, *La deuxième hypothèque* ("on ne naît pas débiteur; on le devient")
- Milan Kundera, *The Unbearable Light-Headedness of Mooting*
- Geoffrey Chaucer, *The Canterbury Suits: A Bawdy Casebook of Travel Jurisprudence*
- Gabriel Garcia Marquez, *Love in the Time of Emphyteusis*
- Charles Beaudelaire, *Make-ups: les heures du mal*
- Abrams et al, eds., *The Norton Anthology of Legal Drama: SkitNite, 1965 - 1995*
- Emily Brontë, *Wuthering Rights*, a 19th-Century Precursor of the Canadian Charter

(Continued from page 1)

not apply to young men who had experienced violence; they tended to end the relationship after such an incident.

Third, violence occurred more in relationships which were "marriage-like", in intense, long-term relationships where couples continue to spend most of their time with each other and become quite isolated from friends and family. Surprisingly, romantic relationships between high school or university students appeared to be even more traditional with respect to gender roles and stereotypes than those of their parents! Drug or alcohol dependence and the presence of a male peer group which tolerated or condoned violence against women were also found to contribute to premarital violence. Moreover, incidents of violence often followed stressful relationship "events", such as infidelity, fights or attempts to break-up.

Finally, little agreement was reached as to individual characteristics that may be precursors to violence. However, I did see that income, age, education, religion, employment status and race showed *no* correlation with or effect on rates of violence. The literature did indicate that young women who prescribed to very traditional romantic ideals were more at risk while young men from violent homes and who had limited communication and conflict resolution skills were more likely to perpetrate assaults on their girlfriends.

As I said at the outset, information about premarital violence is very relevant to our own lives and those of our friends. We know that girlfriend abuse is extremely prevalent. It happens to women from all walks of life. Young women are unlikely to tell anyone when they experience violence at the hands of a date or boyfriend and may not even realize that the behaviour constitutes a criminal offence. All too often the relationship continues and the violence escalates. At this point many of us are no doubt realizing that we must know women who are experiencing violence. Some of us are victims or survivors and others, perpetrators. If nothing else, the results of these studies bring the problem right into our everyday lives.

So what can we do?

Silence seems the biggest obstacle

to a woman getting help. Of anyone, her peers are the most likely to hear about the problem. As friends, we have to be ready to listen carefully when a friend wants to talk about the problems that she's having with her boyfriend. We should be prepared to label abusive and criminal behaviour as just that. Knowing where she can find help and supporting her in getting it are also important things that a friend can do. To address her likely concern about the consequences of her telling, we need to ensure her of utmost confidence and control over the outcome of her disclosure. Such actions will go a long way in overcoming the likelihood of continued silence about the problem.

Given the role that a male peer group plays in the problem, male friends who suspect that a buddy is becoming controlling or abusive with his girlfriend have the additional responsibility of confronting his behaviour. In fact, such interventions by male peers have proven extremely effective in preventing and discouraging girlfriend abuse. The perpetrator needs help as well in taking responsibility for his behaviour and learning how to stop. Friends can play a big role in ensuring that this happens.

Finally, for all of us, if we suspect that what is happening in our own relationship is moving toward violence, that we are experiencing it or perpetrating it, we need to talk about the problem with someone we trust. Calling one of the social service organizations or phone lines listed below is a good place to start.

The important message behind a day such as December 6th, the National Day to End Violence Against Women, is that we all can work together for a solution. For some this will mean advocating for gun control or perhaps working in a women's shelter. In the case of premarital violence against women, however, the most important and helpful "work" may well be listening to and supporting our closest friends or, alternatively, holding them accountable for illegal and abusive behaviour.

Agression Sexuelle/ Sexual Assault :
934-4504 (Centre pour les victimes/Centre for Victims)

Violence Conjugale/ Spousal Abuse: 873-9010 (S.O.S.)

McGill Sexual Assault Centre: 398-2700

McGill Nightline: 398-6246

Placement Day January 11th

Amee Sandhu, LLB I
Placement Officer

On Thursday, January 11, 1996, the Faculty will be hosting its first annual Placement Day (tentative title). Placement Day is an opportunity for students to explore various issues related to the legal profession. The day will consist of four panels focusing on different areas of concern for students – from resumé writing and interview skills to more general topics on the development of the practice of law. While all students are invited to participate in all of the day's events, upper years students may find that the panel entitled the "Articling Experience" of specific interest, as it will be an opportunity to hear current and recent articling students talk about their experiences, as well as listen to a partner from a mid-size firm discuss what firms expect from students. Those who are not quite ready to think about articles yet, will find the "Resumé Writing and Interview Skills" panel both helpful and informative. The aforementioned sessions will be held in the morning. Following these panels, there will be a luncheon held in the Common Room, which will be sponsored by one of the participating firms.

The two afternoon panels will focus more specifically on areas of practising law. The session on "Alternative Legal Practices" will have representatives who are involved in less traditional areas of the legal profession, including government, in-house counsel and small firms. The final session of the day is called "Whither Goest the Practice of Law?". This session may prove to be the most challenging as the panellists will present a range of attitudes towards the traditional work ethos of law. Can working 80 hours a week without the time for a family be rewarding? Is this more of a challenge or concern for women than men? Do we as future lawyers have the possibility of opting out of the traditional patterns? These questions and more will be addressed by the key-note speaker and respondents of this panel.

As a lead-in to Careers Day, to be held on Friday, January 12, 1996, we hope that Placement Day will be a beneficial experience for all students.

A Feminist Issue

Katia Opalka, B.C.L. III

"In terms of the matters considered by Dr. Shane he is left, therefore, with the deceased's [*sic* - he means accused's] statement, some supplementary information from the police report and his interpretation of the hospital records." (Delisle, 3d ed:608).

You all know Dr. Shane, he's the expert in *Lavallee*. But he's not the person who's speaking in this quote. The person I've quoted (in evidence we call him the "declarant") is the trial judge in *Lavallee*. Why do you think he said "deceased" instead of "accused"?

When a trial judge (or a law professor, or a law student) keeps mixing up the deceased and the accused, is that a feminist issue? Or is it a feminist issue when a trial judge is more likely to exclude out-of-court statements made by a woman who killed her husband? Should we call the judge's judgment into question, especially if we see that he

has a tendency to be more lenient on female murderers? (And he keeps calling them "deceased" instead of "accused"?)

It seems to me that the Charter, and the right to a fair trial, are only available to people who are proactive, meaning you're more likely to get the benefit of Charter protection on the stand, as the Accused, than at home, as the Deceased.

If there is a tendency on the part of the judiciary and law-enforcement officers to relax "admissibility" tests in order to favour the female "Accused", then isn't that a legal issue? In other words, what is the point of pretending that all murderers are equal before the law when the human beings who administer the legal rules can't help but be emotionally affected by the continual parade of battered and butchered women through their courtrooms?

What do you do about the fact that a judge might actually feel satisfaction in being able to acquit a

woman who killed her husband?

The Common Law made a great leap forward in the early 19th century, when the rights of accused men finally started to be taken very seriously. This phenomenon was part of a legal reform movement whose principal aim was to give the poor a place under the protective umbrella of the law. This was a major achievement, and its effects, in England and the Commonwealth, are still felt today.

I would like to suggest that it is time for another re-thinking, like the one which occupied the greatest legal minds of England in the 1830's. This time, however, the rights of women, especially poor women, should be brought within the protective reach of the law. It's not impossible, and it's completely legal. Anyone who tells you that it's a feminist issue underestimates the power of legal minds to design, draft, and implement enforceable measures for the protection of women and the healing of social ills.

We Must Work Together

Graham McLeod, LLB III

I still remember the sick feeling I had while watching the National on December 6, 1989. I was shocked, horrified and disgusted that this sort of lunacy existed in our country. The same feelings came back to me when I started to learn that this sort of act was extraordinary only in degree, and that it took such a violent and extreme attack to make me realize the extent of violence against women that takes place every day in Canada.

The next day I attended a memorial service for the victims on the campus of the University of Alberta. As I waited for the service to begin, candles were being passed around. The same feelings of shock and disgust haunted me again as the distributor of the candles passed from the woman to my left to the woman on my

right without handing me a candle. Was I not supposed to be there? Was I not allowed to mourn and to reflect on this tragedy? I felt as though I had been lumped in with "all men" - and I was, perhaps even rightly so.

I know that the issue is not who gets candles and who doesn't, but rather the issue is one of women and men working together to solve this problem. Let's face it - the solution necessarily involves men. The thing is that even those men who want things to change maybe don't show enough that they care about violence against women as a problem in our society and that they want to be part of the solution.

Men of our generation have grown up under certain assumptions that make this sort of violence, even in less extreme

manifestations, unfathomable - yes, even men that grew up in Alberta. So while I may take this for granted, I shouldn't assume that everyone does. Nor should I allow myself to assume that things will just work themselves out, and appear apathetic in the meanwhile.

I don't know why it took such extreme violence to make me take notice of the more subtle forms of violence and discrimination against women that, to me, are equally unfathomable. What I do know is that any sort of violence in our society is intolerable, and EVERYONE should show that it is EVERYONE'S concern. So I encourage EVERYONE to wear a white ribbon on December 6, and to think about why you are wearing it.

Passage of Bill C-68

Professor Patrick Healy

In recent years the Government of Canada has undertaken few *grands travaux* in legislative reform of the criminal law. An exception is Bill C-68, which is a massive initiative to reform federal law relating to firearms. This bill passed the Senate last week by a wide margin, despite fierce opposition in many quarters. It will take years for this legislation to be fully implemented.

Bill C-68 is not just criminal law in the narrow sense. It is also social legislation in the widest sense. It is concerned with offences involving the use or possession of weapons. It defines what kinds of firearms can be possessed and under what conditions. It provides a comprehensive and controversial scheme for the registration of weapons. It seeks to enhance the ability of the police to trace the whereabouts of firearms. Much of this was already in Canadian law as a result of reforms made some years ago. Bill C-68 goes further by expanding the scope of existing provisions and by seeking to achieve a broader social purpose.

That purpose is to prevent Canada from becoming a gun culture; that is, a society in which violence involving weapons becomes commonplace. The controversy over Bill C-68 included a debate whether there is any reason to support this concern. The Government was satisfied that there is sufficient empirical evidence to justify sweeping controls. It is also arguable that this legislation could be justified in the absence of empirical evidence that the incidence of violence involving guns has already reached critical levels.

The opposition to Bill C-68 was sustained. Some of it, such as the claim that the bill would have a genocidal effect on a Canadian way of life, was hysterical nonsense. More cogent criticism focused on the costs of implementing the bill, the powers of search and seizure, the definition of offences, and the effect that the bill would have on particular communities,

especially aboriginal communities. As soon as legislation is proclaimed in force, one should expect to see challenges to its constitutional validity.

There is no doubt that Bill C-68 will impose inconveniences upon law-abiding people who want to keep guns for pleasure or who need to keep guns for their livelihood. Close attention must be given to the way in which this legislation is used by police officers and by prosecutors because there is unquestionably scope for abuse. Quite apart from abuse, however, the practical implementation of this legislation will be cumbersome and prone to mistakes.

None of these concerns, in my view, is sufficient to offset the broad purposes of Bill C-68. As a matter of policy, and pure personal preference, I would prefer a society in which firearms are rare and the risk of violence involving firearms is low. Of course, no legislation will deter a person who is intent on acquiring a firearm to **do violence**. It might not allow every weapon to be traced. But if this legislation has the effect of putting guns out of the average Canadian's mind, and out of reach, it will be good policy. We will not easily be able to prove that this legislation would deter Marc Lepine (or others) or save Odette Pinard (or others). Perhaps we will have in several years some evidence that this legislation has contributed to the control of guns and a reduction of culpable or accidental violence. If this legislation could stop just one Marc Lepine or save one Odette Pinard, it would get my vote. Without this legislation, however, the chance for such control will never exist.

There was political opposition to Bill C-68 both inside and outside Parliament. Some of that criticism was based on legal arguments. There will certainly be challenges to this legislation. I have supported this legislation as good policy-making and I have said publicly that I would give my time *pro bono* to defend this legislation as good law.

Pantouflicating

Don McGowan, LLB III

First, the rant

The International Law Society - public interest group, or band of thieves?

Since September, I have written a column in the *McGill Tribune* called "Legal Briefs". This column has created for me a not insubstantial amount of goodwill. People all around campus know me by another name than Pantoufle (the fools). My photograph next to my column every week is a scan of my underwear.

Imagine my surprise when I arrived at the Law Faculty on Monday (not just because I was actually *at* the law faculty) and I saw the table in the Pit. The International Law Society is selling underwear to raise funds. That underwear is being marketed under the name "Legal Briefs". Imagine my surprise.

Having accumulated the kind of goodwill toward that name that resulted in my receiving 14 pieces of hate mail in one week, I am amazed that the ILS would have the audacity to try to appropriate that goodwill for itself. A full apology will not be sufficient. Charlene, I want your underwear.

Now, the films

Or not, as the case may be

It has finally happened. The mammoth budget the Quid gives me for movies has finally run out. And now that *Showgirls* has finally arrived at the Palace...

The plan for next time: I'm going to go to the Palace. I'm going to see *Showgirls* and *To Wong Foo*. Then I'll tell you who makes a better-looking woman.

Editor's note: Pantoufle may have given you the impression that he's a computer whiz, especially by giving readers all those cool (at least for him) web sites in this column. However, since he has not been able to master the technical difficulties of sending an article by E-mail, the Quid is publishing an abridged version of Pantouflicating.